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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

8 Plaintiff,

9 v.

ORDER

10 PETER T. SANTILLI, JR.,

(Mot. Compel Identity – ECF No. 1167)

11 Defendant.

12 Before the court is Defendant Peter T. Santilli, Jr.'s ("Santilli") Motion for an Order to
13 Compel the Government to Disclose the Undercover Agent's Identity and the Agent's File (ECF
14 No. 1167), which was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR
15 IB 1-3 of the Local Rules of Practice. The court has reviewed the motion, the Joinders of
16 defendants Steven A. Stewart, O. Scott Drexler, Richard R. Lovelien, Ammon E. Bundy, Micah
17 L. McGuire, Mel Bundy, Ryan W. Payne, and Ryan C. Bundy (ECF Nos. 1170, 1172, 1174, 1176,
18 1181, 1195, 1202, 1211) the government's Response (ECF No. 1228). No reply was filed.

19 Santilli and 18 co-defendants are charged in a Superseding Indictment (ECF No. 27)
20 returned March 2, 2016. In the current motion, Santilli seeks an order to compel the government
21 to disclose the identity of the undercover agent identified in the government's Witness List (ECF
22 No. 1152) as well as the agent's "file/log." The government opposed this motion, indicating that
23 it might seek a protective order to allow the witness, an undercover employee known as "Charles
24 Johnson," to testify under that pseudonym. Resp. (ECF No. 1228). The government represents
25 that no "log" exists because Mr. Johnson was not present at Bundy Ranch at the relevant times.
26 *Id.* at 4. The government further represents that "Mr. Johnson interviewed the defendants and
27 recorded their statements made to him, all of which relevant recordings have been disclosed to the
28 defendants." *Id.* Santilli did not file a reply refuting the government's assertion that it has already

1 disclosed the relevant recordings to the defendants.

2 On January 27, 2017, the government filed a Motion for Protective Order Regarding
3 Undercover Employee (ECF No. 1440). Chief Judge Gloria M. Navarro, entered an Order (ECF
4 No. 1539) granting the government's motion and entering a protective order allowing the
5 undercover employee to testify at trial using an undercover pseudonym without publically
6 disclosing his true identity. Her Order precludes the relief Santilli requested in the current motion.

7 Having reviewed and considered the matters,

8 **IT IS ORDERED** that:

- 9 1. Defendants Steven A. Stewart, O. Scott Drexler, Richard R. Lovelien, Ammon E.
10 Bundy, Micah L. McGuire, Mel Bundy, Ryan W. Payne, and Ryan C. Bundy's Motions
11 for Joinder (ECF Nos. 1170, 1172, 1174, 1176, 1181, 1195, 1202, 1211) are
12 **GRANTED** in that their requests to join in Santilli's substantive arguments are granted.
- 13 2. Defendant Peter T. Santilli, Jr.'s Motion for an Order to Compel the Government to
14 Disclose the Undercover Agent's Identity and, the Agent's File (ECF No. 1167) is
15 **DENIED**.

16 DATED this 21st day of February, 2017.

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19 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

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